

DOA
9-3-17

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Yadira Agustin-Castillo)

a.k.a.: Sandra Yadira A. Castillo,)

a.k.a.: Sandra Pineda Sebastian,)

(A097 328 996))

Defendant

Case No.

17-8372 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 2, 2017 in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Yadira Agustin-Agustin-Castillo, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about December 7, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

Ther criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Natalie B. Huddleston

☒ Continued on the attached sheet.



Complainant's signature

Darrin McNeill,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: September 5, 2017



Judge's signature

City and state: Phoenix, Arizona

John Z. Boyle,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Darrin J. McNeill, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On September 2, 2017, Yadira Agustin-Castillo was arrested by the Phoenix Police Department and booked into the Maricopa County Jail (MCJ) on local charges. While incarcerated at the MCJ, Agustin-Castillo was examined by ICE Officer R. Rodriguez who determined Agustin-Castillo to be a citizen of Mexico, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On September 3, 2017, Agustin-Castillo was released from the MCJ and transported to the Phoenix ICE office for further investigation and processing. Agustin-Castillo was held in administrative custody until her criminal and immigration records could be obtained and her identity confirmed.
3. Immigration history checks revealed Yadira Agustin-Castillo to be a citizen of Mexico and a previously deported criminal alien. Agustin-Castillo was removed from

the United States to Mexico through Nogales, Arizona, on or about December 7, 2011, pursuant to the reinstatement of an order of removal issued by an immigration official. There is no record of Agustin-Castillo in any Department of Homeland Security database to suggest that she obtained permission from the Secretary of the Department of Homeland Security to return to the United States after her removal. Agustin-Castillo's immigration history was matched to her by electronic fingerprint comparison.


4. Criminal history checks revealed that Yadira Agustin-Castillo was convicted of Aggravated Battery of Child, Handicap Person, a felony offense, on or about May 4, 2004, in the Circuit Court of Cook County, Chicago, Illinois. Agustin-Castillo was sentenced to forty-two (42) months' incarceration. Agustin-Castillo's criminal history was matched to her by electronic fingerprint comparison.
5. On September 3, 2016, Yadira Agustin-Castillo was advised of her constitutional rights. Agustin-Castillo freely and willingly acknowledged her rights and declined to make any further statements.
6. For these reasons, your affiant submits that there is probable cause to believe that on or about September 2, 2017, Yadira Agustin-Castillo, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been

previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about December 7, 2011, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

A handwritten signature in black ink, appearing to read 'D. McNeill', written over a horizontal line.

Darrin McNeill,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
the 5th day of September, 2017.

A handwritten signature in black ink, appearing to read 'J. Boyle', written over a horizontal line.

John Z. Boyle,
United States Magistrate Judge